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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR 17, PANCHKULA

Order

The 5th February, 2019

No. SEC/3ME/2019/152.— The General Election of Municipal Committee, Dharuhera was held on 22.05.2016 and the result of the elected candidates was declared same day.

2. Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person –

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its notification No. SEC/3ME/2011/2813, dated 05.09.2011 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of Rs.50,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Committee, Dharuhera and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized Assistant State Election Commissioner, State Election Commission, Haryana *vide* order No.SEC/1ME/2017/2017, dated 01.12.2017 and further modified *vide* order No.SEC/1ME/2018/842,

dated 28.02.2018 to decide the cases of disqualification of the candidates of the said municipality, who failed to lodge their account of election expenses.

6. As reported by the Secretary, Municipal Committee, Dharuhera, Smt.Santosh, candidate had contested the election from Ward No.8 of Municipal Committee Dharuhera held on 24.05.2014 but failed to submit her election expenditure account.

7. The Commission had served a show cause notice upon her to explain as to why she should not be disqualified on account of non submission of election expenditure account within the period. She neither submitted her election expenditure statement nor responded to the show cause notice. I, had given her an opportunity of personal hearing on 28.01.2019 in the office of State Election Commission, Haryana, Nirvachan Sadan, Plot No.2, Sector-17, Panchkula in the interest of justice. Sh.Manish, Clerk of Municipal Committee, Dharuhera was appeared who has submitted a copy of letter dated 14.01.2019 issued by the Secretary, Municipal Committee, Dharuhera to all the above said candidates. It has been observed notice of personal hearing has been delivered in person to her.

8. During personal hearing, Smt.Santosh submitted her expenditure statement alongwith reason of submitting the election expenditure statement beyond prescribed time limit. Smt.Santosh informed that she was not aware of the rules in the matter. The expenditure statement has been got examined and the expenditure so incurred has been found to be within limit of expenditure prescribed in this regard. So far as filing the expenditure statement beyond prescribed time limit is concerned reply filed by her has been examined and found to be satisfactory and allowed to file her expenditure statement beyond the time limit under section 10A(b) of the Representation of People Act,1951.

9. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Rewari immediately.

Panchkula:
The 5th February, 2019.

PARMAL SINGH,
Assistant State Election Commissioner, Haryana.